

By: Blanco

H.B. No. 265

A BILL TO BE ENTITLED

AN ACT

relating to the collection and reporting of information from motor vehicle stops made by law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(b), Code of Criminal Procedure, is amended to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in

violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; ~~and~~

(F) the reason for the stop; and

(G) whether the peace officer inquired as to the immigration status of the individual detained and, if so, the reason for the inquiry; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a

1 county, municipality, or other political subdivision of the state.

2 SECTION 2. Article 2.133(b), Code of Criminal Procedure, is
3 amended to read as follows:

4 (b) A peace officer who stops a motor vehicle for an alleged
5 violation of a law or ordinance shall report to the law enforcement
6 agency that employs the officer information relating to the stop,
7 including:

8 (1) a physical description of any person operating the
9 motor vehicle who is detained as a result of the stop, including:

10 (A) the person's gender; and

11 (B) the person's race or ethnicity, as stated by
12 the person or, if the person does not state the person's race or
13 ethnicity, as determined by the officer to the best of the officer's
14 ability;

15 (2) the initial reason for the stop;

16 (3) whether the officer conducted a search as a result
17 of the stop and, if so, whether the person detained consented to the
18 search;

19 (4) whether any contraband or other evidence was
20 discovered in the course of the search and a description of the
21 contraband or evidence;

22 (5) the reason for the search, including whether:

23 (A) any contraband or other evidence was in plain
24 view;

25 (B) any probable cause or reasonable suspicion
26 existed to perform the search; or

27 (C) the search was performed as a result of the

1 towing of the motor vehicle or the arrest of any person in the motor
2 vehicle;

3 (6) whether the officer made an arrest as a result of
4 the stop or the search, including a statement of whether the arrest
5 was based on a violation of the Penal Code, a violation of a traffic
6 law or ordinance, or an outstanding warrant and a statement of the
7 offense charged;

8 (7) the street address or approximate location of the
9 stop;

10 (8) whether the officer issued a verbal or written
11 warning or a ticket or citation as a result of the stop; ~~and~~

12 (9) whether the officer used physical force that
13 resulted in bodily injury, as that term is defined by Section 1.07,
14 Penal Code, during the stop; and

15 (10) whether the peace officer inquired as to the
16 immigration status of the person detained and, if so, the reason for
17 the inquiry.

18 SECTION 3. The requirements of Articles 2.132 and 2.133,
19 Code of Criminal Procedure, as amended by this Act, apply only to
20 information collected and reported in connection with a motor
21 vehicle stop occurring on or after September 1, 2019.

22 SECTION 4. This Act takes effect September 1, 2019.